

**IN THE UNITED STATES DISTRICT COURT
OF THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JEROME D. JOHNSON

PLAINTIFF

V.

CIVIL ACTION NO. 1:07cv539LG-JMR

DONALD A. CABANA, et al.

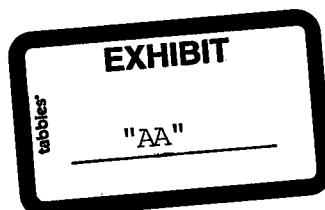
DEFENDANTS

STATE OF MISSISSIPPI
COUNTY OF HARRISON

AFFIDAVIT OF OFFICER KENNETH ROGERS
HARRISON COUNTY SHERIFF'S OFFICE

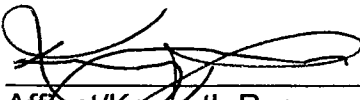
PERSONALLY CAME AND APPEARED BEFORE ME the undersigned authority in and for the County and State aforesaid, the within named, KENNETH ROGERS, who, after first being duly sworn by me on his oath, did depose and state the following:

1. My name is KENNETH ROGERS, and I am over the age of twenty-one (21) years. I am currently a Captain at the Harrison County Adult Detention Center. At all times relevant to Plaintiff's claims, I held the position of Security Captain at the Harrison County Adult Detention Center. I have personal knowledge of the matters and facts contained in this Affidavit and I am competent to testify to the matters stated herein.
2. At no time during my tenure as Security Captain at the HCADC was I given the task or responsibility of investigating any claim or claims made by Inmate Jerome D. Johnson. It is the policy of the HCADC that criminal charges against inmates are investigated through the Criminal Investigation Division.



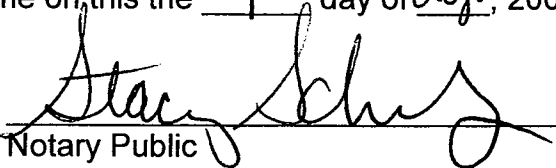
3. On February 23, 2007, I received an Inmate Grievance Form from Jerome D. Johnson inquiring as to the status of a charge against him for sexual battery on another inmate. I then responded to his inquiry by completing a First Step Response Form dated February 23, 2007, informing him that his sexual assault charge had been turned over to the Criminal Investigation Division and that he should contact them or his attorney and that criminal cases are dealt with in court not through the disciplinary process. See Inmate Grievance Form dated February 21, 2007 and First Step Response Form dated February 23, 2007 attached hereto collectively as **Exhibit "1"**.
4. This was the first and only time, that I was made aware of the Plaintiff's inquiry as to the status of his criminal charges, and I answered Plaintiff's grievance to the best of my knowledge, and in accordance with the policies and procedures at the HCADC, including the grievance policy.
5. As it relates to Plaintiff's sexual assault charge, that matter was conducted through CID. I had no personal involvement in that investigation, nor did I have any knowledge of the status of the prosecution of this matter. As such, on March 6, 2007, I directed Plaintiff to CID since they were responsible for the investigation.
6. At the time, I believed that my actions were objectively responsible in light of the information available to me at the time.
7. All policies attached hereto represent policies and procedures which were in place and effect at the time of the subject incident.

I certify the above declaration is true and correct under penalty of perjury.



Affiant/Kenneth Rogers
Harrison County, Mississippi

Sworn to and subscribed before me on this the 1 day of August, 2008.



Notary Public

My Commission Expires:

1/28/09

(SEAL)

Harrison County Adult Detention Center

Inmate Grievance Form

To: Grievance Officer

From: Jerome D. Johnson 287256 B-A
Inmate Name Docket # Unit

Date: February 2007

This is a grievance concerning: Denial of Due Process: Refusal of response to requests.
I have written numerous requests concerning this charge of Sexual
Battery on a inmate, that I received on the 6th day of September 2006.
This incident occurred here at Harrison County Jail on the 1st of September,
This is my fourth grievance on this matter. On the 15th of February
I gave Sergeant Kelly requests and grievances to turn in, this is a
serious allegation that should not be taking lightly. why am I giving the
run around by this administration on this charge? I want to know
Why, was I told by sergeant lege on the 4th day September, 2006, that
the reason I was place in segregation housing was due to the finding
of contraband items, but to never to receive a Written Rule Violation
on these items? they following day 5th of September I was rush
off to a local hospital where I was force to render over my D.N.A.
The investigator for Harrison County Sheriff Department had obtain a Warrant
of seizure for my D.N.A. Sample prior. Does this disqualify the shift
Supervisor to submit a category I offense rule violation to me?
I was release from disciplinary segregation on the 20th of September 2006,
20 days later without a disciplinary hearing and return back to my original
Unit C-D as if nothing happen. please explain? Have the Inmate Disciplinary
Rules and procedures change?

EXHIBIT

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"1"

Jerome D. Johnson
Inmate Signature

2/21/07

Harrison County Adult Detention Center

Inmate Grievance Form
(IGF-2)

First Step Response Form

Grievance Number: 02 - 048 - 07

Type or use ball-point pen. You must return your response to the Grievance Officer within 10 days of the date the request was initiated.

To: Jerome D. JOHNSON 287256
Inmate Name and Docket Number

B/A
Housing Unit

From: Capt K Rogers
Person to whom 1st Step is Directed

Title/Location

Your Sexual Assault charge has been turned over to Criminal Investigation Department. You will need to contact your attorney or CID about your case. In any criminal case that happens within this facility you may be locked down pending further investigation and in your case you were. When criminal cases are pending you really don't want to receive a rule violation. Your charge will be dealt with in court not Disciplinary.

[Signature]
Date

[Signature]
Signature

If you are not satisfied with this response, you may go to Step 2 by filling out the second step section of Form IGF-1 and sending copies of Step 1 and Step 2 to the Warden. It must be received in the Warden's office within 5 days of the date of this response.

Instructions to respondent: Send original IGF-1 with IGF-2 to the Grievance Officer. Note: A copy of all documents referenced in the response must be attached and returned to the Grievance Officer.

Instruction to Inmate: This original is for you to keep.

Inmate's Original